

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 18, 1979  
9:00 A.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino

Absent: None

Reverend Louis Wozniak, St. Louis Catholic Church, gave the invocation.

ALCOHOLISM AWARENESS WEEK

Alcoholism Awareness Week has been designated for January 19-26, 1979 according to a proclamation read by the Mayor and accepted, with appreciation, by Dr. A.E. Starkey. Mr. Wayne Ewen, Mr. Hugh Craig, and Mr. Dan Love, were also present to accept the proclamation.

NEW MAYOR PRO TEM

Mayor McClellan thanked Councilmember Cooke for his service as Mayor Pro Tem for the past four months; and recognized Councilmember Goodman as the new Mayor Pro Tem, whose term will last until May 15, 1979. Both Councilmembers thanked the Mayor for her kind words.

## JAYCEES WEEK

Jaycees Week will be observed January 21-27, 1979 according to a proclamation read by the Mayor. Mr. Richard Wroten, representing the Jaycees, thanked her for the proclamation.

## MARCH OF DIMES MOTHER'S MARCH SUNDAY

Ms. Brownie Stacy Brunson and Mr. Joe Maurick accepted, with their thanks, a proclamation read by Mayor McClellan designating January 21, 1979 as March of Dimes Mother's March Sunday.

PROCLAMATION FOR AUSTIN CITY COUNCIL  
FROM  
GARLAND MAYOR AND COUNCIL

Mr. Dan Davidson, City Manager, read a proclamation to the Austin City Council from the Garland Mayor and Council in which they expressed their sincere gratitude to the Mayor, City Council, and Electric Superintendent of the City of Austin for their aid and assistance to the City of Garland during the worst ice storm in Garland in the past 30 years, which immobilized the city. Employees from Austin Power and Light, and other employees, willingly and unselfishly provided the necessary assistance to the Garland electric crews during their crisis.

## YOUNG PEOPLE'S SYMPHONIES

Ms. Jennifer Davies, Women's Symphony League; Ms. Nancy Young, Symphony Society; Ms. Molly Tower, Austin Independent School District; and Ms. Ann Byrd Nalle, president, Women's Symphony League, presented a packet to the Council concerning the young people's symphonies which will be presented to students by the Austin Symphony Orchestra.

## MINUTES APPROVED

Councilmember Cooke moved that the Council approve the Minutes of the Meeting for January 11, 1979. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman,  
Councilmembers Himmelblau, Mullen, Snell, Trevino  
Noes: None

## ANNOUNCEMENTS

Mayor McClellan announced that Council will hold a press conference in the Council Chambers at noon today, and prior to it they will have a brief executive session, after which they will announce Board and Commission

appointments. She also discussed postponement of several items on the agenda. She said consideration of an Ordinance on Barton Creek Interim Controls should be delayed because the Planning Commission wants to look at the Lake Austin Interim Controls as it applies to Barton Creek Controls. The other item is consideration of the Growth Management Process, Chapter 4. The postponements of these items are included in the consent motions which follow for resolutions and ordinances. Also postponed was City Manager Report F.2., and agenda item G., Status on CIP/budget matters discussed in City Council work session on October 10, 1978.

#### EMINENT DOMAIN PROCEEDINGS

Councilmember Mullen moved that the Council adopt a resolution to authorize eminent domain proceedings to acquire the following tract of land for street widening and improvement purposes:

50 square feet of land out of Lots 6 and 7, Block 2, Washington Heights (West 10th and Theresa Avenue.) (Bobby K. Wiseley et ux and Teresa Perez Wiseley, owners)

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Councilmember Mullen moved that the Council adopt a resolution revising previous resolutions authorizing eminent domain proceedings to obtain land for the Lytton Springs Substation and transmission and distribution easements related thereto in order to correct field notes and acreage on tracts to be acquired:

12.33 acres out of the Sampson Connell League. (Archie A. Roberts and Idell Roberts, owners)

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Councilmember Mullen moved that the Council adopt a resolution revising previous resolutions authorizing eminent domain proceedings to obtain land for the Lytton Springs Substation and transmission and distribution easements related thereto in order to correct field notes and acreage on tracts to be acquired:

19.252 acres out of the Sampson Connell Headright League. (Frieda H. Shirley, owner)

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution revising previous resolutions authorizing eminent domain proceedings to obtain land for the Lytton Springs Substation and transmission and distribution easements related thereto in order to correct field notes and acreage on tracts to be acquired:

6.39 acres out of the Sampson Connell Headright League. (Frieda H. Shirley, owner)

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

#### RELEASE OF EASEMENTS

Councilmember Mullen moved that the Council adopt a resolution authorizing release of the following easement:

A portion of a fifteen (15.00) foot wide Sanitary Sewer Easement (recorded in Volume 6244, Page 969 of the Deed Records of Travis County, Texas) out of and a part of a tract of land in the Henry P. Hill League 21, City of Austin, Travis County, Texas. (Requested by Mr. Ralph Harris, representing Mr. Glenn Neans, owner)

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution authorizing release of the following easement:

2.5 feet of a seven and one-half (7.50) foot Drainage Easement out of Lot 13, Block E. Windsor Park Section 2, locally known as 1418 Broadmoor Drive, Austin, Texas. (Requested by Mr. C. Crutchfield III, owner)

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution authorizing release of the following easement:

A seven and one-half (7.50) foot Public Utility Easement adjacent to the south property line of Lot 5, Block "C", Balcones Village, Section 6, locally known as 9207 Springwood Drive, Travis County, Texas. (Requested by Mr. David G. Keyland, Fort Worth Mortgage Corporation)

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

#### PAYMENTS AUTHORIZED

Councilmember Mullen moved that the Council adopt a resolution authorizing payment to the following:

W.W. PATTERSON, TRUSTEE  
American Bank Tower

- The cost difference of 12"/8" water main installed in 1st resubdivision of Lot 1, 183 Park - \$7,541.90

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

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Councilmember Mullen moved that the Council adopt a resolution authorizing payment to the following:

NPC REALTY COMPANY

- The cost difference of 12"/8" water main installed in Wagon Crossing, Section 3-A - \$9,182.25

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution authorizing payment to the following:

WOODSIDE DEVELOPMENT COMPANY

- The cost difference of 12"/8" water main and 15"/8", 12"/8" and 10"/8" wastewater main in Western Oaks II-A - \$62,675.68

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

LICENSE AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution to enter into a License Agreement with the Southern Pacific Transportation Company for the purpose of installing a 36-inch water main within Southern Pacific's Right-Of-Way between M.P. 13.24 and M.P. 13.65; approximately 2,142 feet of longitudinal encroachment and a crossing beneath tracks at M.P. 13.65. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

CONTRACTS APPROVED

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

JONES CHEMICAL, INC.  
1777 Haden Road  
Houston, Texas

- Chlorine, Liquid, used in Water Treatment.  
Twelve (12) months supply agreement with option for extension of up to twelve (12) additional months.  
Items Nos. 1.0 - 953 tons @ \$164.00  
2.0 - 80 cylinders @ \$26.66  
Total \$158,424.80

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

INSTRUMENTATION LABORATORY, INC.  
Analytical Instrument Division  
Jonspin Road  
Wilmington, Massachusetts

- Furnace Atomizer & Nebulizer,  
Power Production Division of the  
Electric Utility Department.  
Item No. 1.0 - \$6,590.00

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

UNITED SYSTEMS CORPORATION  
918 Woodley Road  
Dayton, Ohio

- Temperature Monitoring System,  
Electric Department for Holly #4  
Generator.  
Item 1 - \$16,660.00

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

#### ANNEXATION BY LAKEWAY MUD NO. 1

Councilmember Mullen moved that the Council adopt a resolution granting the city's consent to the annexation to Lakeway Municipal District No. 1 of 25 acres of land which lies within the extra-territorial jurisdiction of the City of Austin. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan, Councilmember Cooke  
Noes: None  
Abstained: Councilmember Trevino

#### YOUTH CONSERVATION CORPS PROJECTS

Councilmember Mullen moved that the Council adopt a resolution to submit an application to the Texas Department of Community Affairs for two (2) 1979 Youth Conservation Corps Projects. (June 1979 through August 1979 - Total funding \$51,520; city's share \$14,875) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

#### LIBRARY GRANT APPLICATION

Councilmember Mullen moved that the Council adopt a resolution for approval of the Austin Public Library's participation as a co-applicant by the local Records Department of the Texas State Archives for a grant in the amount of \$64,223 from the National Historical Publications Commission to fund a project. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

#### CHAPTER 4 - "GROWTH MANAGEMENT PROCESS"

Councilmember Mullen moved that the Council postpone until January 31, 1979 (Special Called Meeting), consideration on "Growth Management Process" Chapter 4 of the Comprehensive Plan. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None



CETA TITLE VI

Councilmember Mullen moved that the Council adopt a resolution to authorize change of approved job slots for three (3) CETA Title VI Public Service Projects. The motion, seconded by Councilmembers Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

PUBLIC HEARING, RIVERSIDE DRIVE PAVING ASSESSMENT

Councilmember Mullen moved that the Council postpone continued hearing on Riverside Drive paving assessment scheduled for January 25, 1979, until at least March 1, 1979 at 9:30 A.M. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

C.I.P. & BUDGET PROCESS

Councilmember Mullen moved that the Council postpone until February 1, 1979 the City Manager Report on C.I.P. and Budget Process. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

Councilmember Mullen moved that the Council postpone until February 1, 1979 at 2:00 P.M. discussion of status on CIP/budget policy matters discussed in City Council work session on October 10, 1978. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

### BARTON CREEK INTERIM CONTROLS

Councilmember Trevino moved that the Council postpone consideration of an Ordinance on Barton Creek Interim Controls for 30 days; (if staff is ready before it will be brought back sooner). The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman,  
Noes: None

### ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOTS 1, 2, AND 5, CONNIE LYNN ADDITION, LOCALLY KNOWN AS 5700-5706 SOUTH CONGRESS AND 111-113 SANDRA STREET; FROM "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Frances E. Benoit, C14-78-202)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 400 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 7000 ED BLUESTEIN BOULEVARD; FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Allied Development, C14-78-206)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 1.62 ACRE TRACT OF LAND, SAVE AND EXCEPT THE SOUTHERNMOST 120 FEET WHICH IS HEREBY ZONED FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT, LOCALLY KNOWN AS 12568 RESEARCH BOULEVARD; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Thomas H. Barnett and William A. Hibbert, C14-78-208)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 50 FOOT BY 150 FOOT TRACT OF LAND, LOCALLY KNOWN AS 2917 EAST 12TH STREET; FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Willie R. and Ceresá Núñez, C14-78-213)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman  
Noes: None

The Mayor announced ~~that~~ the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 40.63 ACRE TRACT OF LAND, LOCALLY KNOWN AS PLEASANT VALLEY ROAD; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, THIRD HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (RPC Investment Co., C14-78-223)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOTS 21-22, HIGHLAND OAKS SECTION 3; THE SOUTH 192.34 FEET AV OF LOT 1, BLOCK G, SUMMIT OAKS SUBDIVISION; AND THE SOUTH 190.09 FEET AV OF LOT 2, BLOCK G, SUMMIT OAKS SUBDIVISION; LOCALLY KNOWN AS 12001-12003 HIGHLAND OAKS TRAIL, 11928-11932 ARABIAN TRAIL AND 11910-11922 U.S. HIGHWAY 183; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Catfish Parlour, Inc., and David Derbow, C14-78-217)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 14 AND THE SOUTH 45 FEET OF LOT 15, WEST END HEIGHTS, LOCALLY KNOWN AS 708 PATTERSON AVENUE (BUAAS HOUSE); FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A-H" RESIDENCE-HISTORIC, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Buaas House, C14h-78-047)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 10 AND THE NORTH 21.4 FEET OF LOT 9, SHADOW LAWN ADDITION, LOCALLY KNOWN AS 3824 AVENUE F (MANSBENDEL-WILLIAMS HOUSE); FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A-H" RESIDENCE-HISTORIC, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Mansbendel-Williams House, C14h-78-048)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote.

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOTS 30, 31 AND 32, BLOCK 22, HYDE PARK I, LOCALLY KNOWN AS 4212 AVENUE F (KOPPERL HOUSE); FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A-H" RESIDENCE-HISTORIC, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS: AND PROVIDING AN EFFECTIVE DATE. (Brass-Goddard House, C14h780051)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### ~~ZONED ORDINANCES PULLED~~

Councilmember Trevino moved that the Council pull from consideration from the agenda the following zoning ordinance:

RICHARD FRAZIER      6608 South Congress  
By James & Thompson Avenue  
C14-78-211

From Interim "A" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area

The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman  
Noes: None  
Abstained: Councilmember Snell

Councilmember Trevino moved that the Council pull from consideration from the agenda the following zoning ordinance:

RALPH EVERHARD  
By Tina Trochta  
C14-78-215

6413 Circle S. Road

From Interim "A" Residence  
1st Height and Area  
To "C" Commercial (Tr. A)  
"O" Office (Tr. C) &  
"A" Residence (Tr. B)  
1st Height and Area

The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Councilmember Cooke, Mayor Pro Tem Goodman  
Noes: None  
Abstained: Councilmember Snell

#### YEAR END REPORT ON UTILITY FUND

Council had before it a City Manager Report on "Presentation of Year End Report on Utility Fund". Mr. Monty Nitcholas, Finance Director, highlighted the report. Transcript of the proceedings follows:

MONTY NITCHOLAS: Mayor and members of the City Council. I..course, naturally, I first would apologize for not getting these in your hands earlier. I would tell you that while you were saying the opening prayer, we were still putting some of these things together this morning. The only alternative we had would have been to postpone this until next week, and gotten it on the agenda, and we felt it was important enough that we really should talk about it this morning.

What was handed you are two reports. The first is one on the Utility Fund, which includes the electric, water and wastewater operations of the City. The second report that we have handed you is a summary of what we gave you last week, and what we are about to talk about this morning, and includes all the operating debt funds of the City.

Rather than go down line by line, let me give you the highlights I have picked out, since you have not had a chance to read it. What I think are the highlights of the report, and then, as you look at the report and you have questions about specific items, we will try to answer those. If we can't answer them here, we will get the answer to you as quickly as we can.

The highlights of the Utility Fund. The report is provided in the same basic format that the reports that we gave you last week, on the General Government Fund and the Non-Utility Enterprise Funds. Again I would remind you this is not an official accounting report. It is a management

report. The data that is in the report is drawn from the official records of the City, though. But it doesn't look like something you would see in an annual financial report. I would also remind you that the audit is not complete and that these figures are subject to some change, but I personally don't expect any substantive changes. I think they are basically the way they are going to end up the year.

With those qualifications I will go into the report. The reports are designed to show you the source of the funds, and how those funds were dispersed and distributed throughout the year, and they compare with the original budget that was adopted for that fiscal year.

We see in reviewing the highlights of the total Utility Fund, which includes the Electric, Water and Wastewater..all of these departments.. we see that total revenues were just over \$186,000,000. That's 12.8 million dollars more than what was in the original budget. Now, some of the individual sources of these revenues were--electric sales were 8.7 million more than what had been originally budgeted. Water sales were up \$688,000 from the original estimate. Investments..interest on investments was up 2.7 million dollars more than had been originally anticipated. Other charges and fees were up about \$700,000 and those charges and fees include a number of the new fees that were put in this year when we..the new service connection fees and some of those areas that we tried to base things on cost of service. We also see in the disposition of the funds, and this is the expenditures and transfers of the fund. We see that that figure is 175.3 million dollars. And this is almost identical to the original budget figures..within 30,000 dollars. However, it was not spent all together in the same areas of the original budget figure. Actually, the expenditures within the fund were \$127.9 million and that's for operation, for debt and for the CIP transfer, and that's approximately \$2,000,000 under what the original budget was. Now, offsetting that, however, is an increase in the transfer to the General Fund of some \$2,000,000..18.2 million dollars to 20.2 million. So over all then, the expenditure and transfer budget figure was almost identical to what was originally estimated.

Now, what does this do to the ending balance? This is the thing that we talk about a great deal. Well, we had a beginning balance of 4.4 million dollars. These transactions that we have talked about that happened during the year, produced 10.8 million dollars more revenue than expenditure..186.1 million versus 175.3. And then with some normal changes in inventories and accruals that effect this available balance, we end the fiscal year with almost 15.6 million dollars. Now back in August, we were talking about the ending balance, and we were..I believe the last figure that we estimated was about 14.8, and it is a little better than that.



Now, before I go any further, I would like to once again explain what this available balance is and what it represents, and its purpose as far as we are concerned in putting it in. It is not an accounting figure. It does not reflect any where in the City's books. It is a calculation for budget purposes of the cash on hand plus the current collectable receivables..that's an important statement..the current collectable receivables, less all those current payables that are on the books at the moment, and the customer deposits. And that's how you get to the ending balance...the ending available balance, the figure that we used. The major purpose of this figure is to reflect what we can reasonably expect in the case of an opening balance or a beginning balance..what we can reasonably expect to have available for the next year..for that year that we are going into. The ending balance the same..the ending balance..the 15.6 million dollars, is that-a figure that we can reasonably expect to have revenues and income and available money that we can expect to have for the next fiscal year, which we are in right now. So it is not cash in the bank. That is not what it represents. It represents some cash in the bank and it represents some receivables and represents some payables. Actually in the case of the 15.6 million dollars, it represents 11.2 million dollars in cash..cash and investments. It represents 23.8 million dollars in current accounts receivable in the Utility Fund. It represents 16.6 million dollars in all the current payables at the end of the year...things that were due and payable. It represents 2.8 million dollars of customer deposit..so when you add the cash and receivables and deduct the payables and the deposit, you come up with what we call the available balance for budget purposes. I think it is most important to understand this representation in the Utility Fund. Because the Utility Fund does have a major receivable.. It is not so important in the General Fund and some of your other smaller funds, because receivables are not a major part of that balance. The major part of that balance is cash and payables. But in the Utility Fund receivables are included in there, as they are liquid assets in the sense of a budget because those are collectable in the next month.

Okay, the available balance figure of 15.6 is a good, sound figure for budget purposes, and I think if we consider it that way, I think we will..We can properly carry on the finances of the City.

The schedule..there are two other schedules behind Schedule I. Those Schedules through some percentage proration of some common revenues and some common costs of the system..the Utility System... we have attempted to show the operations..the cost of operations and debt of the Electric Department and the Water and Wastewater Department in total separate financial settings (?). Each of these having their own revenues and expenditures and providing whatever they provide to the ending balance.

Now this is our first real attempt at doing this. We tried with this last year and had some problems with some of the prorations and we didn't do it, so this is our first try at doing this..at breaking the total electric and the total water and wastewater out separately, rather than saying this is all the Utility Fund. We all must realize that they are just a part of the Utility Fund, and when we do this breakout, we do a lot of proration. You will notice that those schedules do not show a beginning or ending balance, because we have no objective method of establishing what that balance is over the past..however many years, as far as how much of that is Electric and how much of that is Water. Some broad assumptions would have to be made, so we don't show any beginning or ending balance. What we show are the revenues versus the expenditures and transfers out, and what..how much that system produced, using the..assuming these prorations..how much that system produced toward the ending balance.

In Schedule II, for example, Water and Wastewater..we are talking about resources of 30.9 million dollars and total distribution of these funds or expenditures and transfers of 30.9 million dollars, which is about a half a million dollars worth of revenue that wasn't spent in that area. We have got to recognize again the prorations of the investment income. There are certain common fees to the system. Debt service is a prorated item.

In the other Schedule, Schedule III, the Electric Department, we show resources of 155.2 million dollars. We show that we spent 144.9 million, leaving a total of 10.3 available to the ending balance..available balance. Now I would point out at this particular time, particularly..there is a double \*\* note on that electric schedule. At the bottom of the page, it explains one of the major differences between this report, and what an actual accounting report would reflect. And that pertains to the expensing of recoverable

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fuel cost..recoverable fuel costs that were paid for in prior years and actually expensed during this year, billed and expensed. That expense.. and this happened during those first months before we instituted the new rate..before April. We were carrying on with the old rate, and we were still under the old 6-month fuel cost, and we reduced that recoverable fuel cost from 27 million to 20 million at that time. But on the financial statement that will show as an expense this year. For purposes of this statement, it does not because it does not effect the cash flow. Well, no, its stopped at 20. It will be 20 until we initiate recovery again, and I believe that is supposed to start in '79, based on the ordinance that was passed at that time. It stays at 20 million until such time as we start billing it again. So the bottom line..give you the bottom line of the Utility Fund, and I will repeat some of the things I have said. Revenues are up 12.8 million dollars over the original budget. Expenditures are down 2 million dollars from the original budget. Transfers out are 2 million dollars up to the General Fund, from 18.2 to 20.2. The available ending balance is 11.1 million dollars more than beginning balance, and it is 14.8 million dollars more than the original estimate. Again, these figures are fairly close to what we talked about in August and September, when we talked about the ending balance.

The facts are that the revenues are exceptionally good, and that the costs were well within what the Budget figure was, and that we considered the balance to be rather excellent at this point.

Now, the other report that I handed you..a two-page report.. What we did, and we just did this this morning, just to give you an idea of what the overall..putting all of these things together that we talked about last week and this week, and the massive figures we rounded off to the nearest \$100,000 for purpose of this report, and we show you what happened in the City operation totally. There again, this is the first time this type of report has been put together.

And if I can take just a moment to review last week's, when we talked about the General Government Funds or the governmental operating funds, which was the General Fund, the Debt Service, general debt service, transit, EMS..we had a beginning balance of 10 million dollars, resources of 86.6 million, total cost of 79.9 million, and ending balance of 16.9 million dollars in those months. In the Non-Utility Enterprise Funds last week, we said that we had a beginning balance of 700,000 dollars..these by the way include hospital, airport, golf and auditorium. Resources of 30 million; cost of 29.7 million, and an ending balance of just over 1 million dollars.

Now when we add the Utility Fund to these, put them all together, and net out the transfers between all of the funds..over all the City had a beginning balance of 15.2 million dollars..in all of these funds. We had resources of 282.9 million. We had costs of 264.5 million, which left us an ending balance, an available balance of 33.6 million dollars. That is a very summarized report, and it does compare with the original budget figures. They are well within them in

the expenditures again, revenues again exceed what was anticipated originally. I would only say in closing..my closing remarks, is that I have been here 4½, almost 5 years, and I haven't seen the City in this kind of financial condition since I have been here.

MULLEN: You might say it is kind of excellent.

MAYOR: I would like to reiterate that. I think this demonstrates several things. One, just because something is budgeted doesn't mean the department is going to automatically spend it. Two, I think, really, we ought to have some praise for our City's investment practises. The interest on investments, I believe, Mr. Nitcholas, are what..up \$2,713,000 over what was budgeted. The City has been financially responsible, and I think the bottom line looks excellent.

NITCHOLAS: If you have any questions as you review these reports later in the day or any other time, please let us know, and we will get you a reply.

GOODMAN: I have one question right now. On the 4th..5th page of this first report, Monty, that you gave us, it says, "one reason for receivables reflecting such a major increase, the summer demand charge" to the electric customers? How much did it account for?

NITCHOLAS: Okay, I don't have a figure on that. That's an assumption I made. It was a logical assumption because we did have a demand charge this summer that we did not have last summer, previous summer, and that is pure assumption, Mr. Goodman. I don't have anything to back that up.

GOODMAN: Is there a way to extract out how much that was?

NITCHOLAS: No, if we did it, we would have to do it on an assumption, because we don't.. There may be..no, let me restate that. There may be a way that we can get that. I am not sure. It depends on how the utility billing system handles that.

GOODMAN: If we are able to extract that information, I would like to know, or an estimate..you know, of how much money that was. I think it is good too that we are in excellent financial shape..outstanding in fact. But when it means that people are paying..when in part all it means is that people are just paying more in their electric bills or their tax bills to increase our financial condition, it doesn't help their financial condition. That's why I was interested in this piece of information here. To find out what impact it was having on the people who are paying the bills.

MAYOR: I think one thing we have to remember, too, is that we adopted a 2-year rate structure, and we are hitting some lean months now.

NITCHOLAS: Next year, or the year that we are in now, it was anticipated to be rather lean. I don't have any numbers to tell you any different, right now, or to verify that. I hope that's..now that we have done this..our next step is to try to get current on this year..I am anxious to get to work on this year. I have been working on last year for the last 4 months, and to see where we are, because I really don't know at this particular point, other than I have been watching the cash, and that's about it.

So, yes, this was predicted in the budget to be the year we are in right now, not the year we are reporting on.

MAYOR: The year we just started is the lean...

NITCHOLAS: Right, it is predicted by the budget to be a somewhat lean year. As a matter of fact, the ending balance in the Utility Fund is predicted to be around less than \$4,000,000, I believe, and with this small increase..relatively small..it depends on whether you are using millions or billions..but relatively small increase in ending balance of the utility fund would raise that projected ending balance of next year's budget to around 4 million dollars. Which means that if we started with 15 million and we ended up with 4, which means that we are applying part of this ending balance into next year's operations. And again, one of the reasons is because of the 2-year rate. When we put in the Touche-Ross new electric rates produced by Touche-Ross.

DAVIDSON: Mr. Nitcholas, I know you have not completely evaluated all this, but based on the factors that have caused us to reflect an improved financial condition..how do you think some of these factors will effect an analysis of the City's credit in Wall Street?

NITCHOLAS: I don't think it can do anything but help the credit. It reflects especially the fact that we came from 3 or 4 years ago, we came from a very, very ending balance that was not acceptable, really, even though they..the rating agencies felt good about our trend..We started the trend upward and we have gone you know a long way. I think the trend that we have had over the past 3 or 4 years has been the real key as far as the rating agency is concerned, as far as the financial condition of the City.

DAVIDSON: Back at that time, we did not have enough latitude to handle a slack..a severe slack in revenues during one quarter of the year, or to really take care of an emergency on an adequate basis, and that's what they have been..you know, they were concerned about , and..

NITCHOLAS: That's exactly right, and during those same years in the Utility area for example, we were spending a great deal more money for fuel than we were expensing. As a result, our financial records were acceptable..our financial position was acceptable but our cash flow was in some pretty tough difficulties during several

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months, during the period when the fuel cost..recoverable fuel cost went from 15 or 16 million up to 27 million. That meant that we were buying..we were paying money that we weren't billing and collecting and we were billing and receivable, so the cash flow was a real problem during those times.

DAVIDSON: For the Council's information, we are going to..I am going to ask Mr. Nitcholas as he returns now, with the monthly financial reports on future agendas, to speak regarding an update of some of the factors that we've presented this morning, so that the Council can evaluate on a month to month basis what some of these balances mean as we proceed toward this particular fiscal year. We hope this format, which as you can see is brand new..it has been designed by Mr. Nitcholas, and his staff, in order to help answer some of the questions that have been posed by City Council and by the public, and if the Council..after you have had a chance to study this format, if you have any suggestions or any questions..any additional questions that you would like us to pursue before we come back with the next monthly report, will be very happy to do so.

NITCHOLAS: And we will continue with the detailed monthly report that we have been getting. I am trying to update it too, make it a little bit easier to read. This will be in addition to this.

DAVIDSON: And thanks for the privilege of presenting this at this time, Council. We think it is an important report.

RAILROAD WARNING EQUIPMENT

MRS. SOCORRO LEOS, Chairperson, South Austin Citizen's Advisory Board and Mr. Moses Saldana, Chairman, South Austin Neighborhood Council, appeared before Council to discuss the immediate funding of additional railroad warning equipment (crossing guard arms) in South Austin and the lack of maintenance of present warning system by MoPac Railroad.

Mrs. Leos told Council she wanted to clarify why she appears before them and what the Advisory Board expects of Council. "First", she said, "We realistically expect for you the Council to approve immediate funding for the placement of guard rails and signal equipment at the intersections of West Mary, West Oltorf, and William Cannon Boulevard. Using the cost estimate provided by Councilmember Trevino the improvements on West Mary and West Oltorf should cost approximately \$75-100,000. The improvements on William Cannon may cost a little more. Our second expectation is for you to order the city legal staff to come back within 30 days with an ordinance which will force all railroad companies to provide the City of Austin a 24-hour telephone number where they can be called about malfunctioning signals. This ordinance would require the same railroad companies to have a repair crew at the location of the malfunction within two hours of the first report by the city. We want all violations, whether five minutes or five hours, to be prosecuted fully and the fine be a mandatory \$200.00 fine. We are adamant that this

ordinance be passed within 45 days. If the railroad signals, no matter how many, cannot be depended upon to function properly they are of no use. We urge you to take both steps today."

MRS. ELENA VELA related her shock and loss concerning the death of her friend, Diana Sosa and her mother at a railroad crossing. She said that gates at heavily travelled railroad crossings can prevent serious accidents, however, at present there are not local, state or federal laws requiring such devices. The only thing presently required is the traditional railroad crossing sign post. Mrs. Vela told Council they are circulating a petition which already had many, many signatures supporting the proposed law to require gates to the railroad crossing. She asked the Council's help.

FATHER JOHN KORCSMAR, Pastor, San Jose Church, requested the Council to do something immediately. He told of his experience at the West Mary crossing where sometimes the railroad signal continues for hours with no train in sight. As a result, people tend to ignore the signal, and then when it is operating properly, because a train is coming, there is a tendency not to take it seriously.

MS. EARLINE WRIGHT, Austin Association of Teachers, expressed the concern of her organization for all those who have to use railroad crossings. She stated they have been aware for some time of the dangerous circumstances and urged Council to take action right away.

MR. MOSES SALDANA, Chairperson, South Austin Neighborhood Council, reiterated the statements already made. He said the accident at the West Mary crossing could have been avoided if a different type signal had been in operation at the time. He said that West Mary, in general, needs to be widened and improved and wondered if they could get the railroads to regulate the speed on their trains within the city limits. He also wondered if they could get the railroads to install more effective warning equipment on their trains, and also have a monthly check on their crossing signals. Mr. Saldana told Council he had heard that there was a crossing gate at West Mary in the 60's, but it was taken away.

Mayor McClellan thanked the speakers for their appearance and told them the Council shares their concerns and sense of urgency to do something. Council, she said, will pursue investigation into Federal dollars, C.I.P., or city funds.

#### Motion

Councilmember Trevino moved that the Council go on record and make a commitment to do what they can to install those devices, whether they want to go into the Federal route or do it themselves. The motion was seconded by Mayor Pro Tem Goodman.

Councilmember Himmelblau asked why the gates on West Mary were taken down.

Mr. Dan Davidson said, "The Council has appropriated funds for an extensive railroad crossing program within the Capital Improvements Program. The report Mr. Ternus has, which we will make available to anyone who cares to have a copy....23 of these now have gates and flashers. More are going to have to be undertaken in the future, and Mayor, specifically we will work now to address every one of the points which have been brought to the Council's attention today." He asked Mr. Ternus if he has any knowledge regarding the history of the older installations and what may have happened to them.

Mr. Ternus answered, "No, sir, I don't. I know that the current thinking on railroad protection goes in cycles. At one time there were a considerable number of gates, and then I think a lot of people felt like the gates restricted the flow of the street and blocked the street and we had instances where the gates were propped open. We, on the city staff, have supported gates as a positive control device, although we recognize these are not infallible and we still will have fatalities and injuries at these kind of installations...At certain intersections, for some reason, gates are not installed. I am not familiar with this particular intersection but I will be happy to look into it and get the information back to Council, as well as a list of intersections which currently are not signalized at all. We have some \$250,000 which Council has allocated in street improvements bond fund for railroad crossing protection and this Council has been very active in funding these kinds of needs. We still have 22 intersections which have no controls whatsoever. These are of the utmost concern to us in addition to some which should be upgraded to flashers and gates."

Mr. Trevino stated, "As a part of the motion, I would like to add that your staff work closely with the neighborhood." He also suggested the speed limit of trains in the city should be closely watched. Mr. Ternus said they have checked the speed of trains on radar and have noted no gross violations.

Mr. DeLaRosa stated the Legal Department will begin work to respond to the request by the neighborhood board and council for an ordinance as outlined today.

#### Roll Call on Motion

Roll Call on Councilmember Trevino's motion that the Council go on record and make a commitment to do what they can to install those devices, whether they want to go into the Federal route or do it themselves, showed the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke, Councilmember Himmelblau

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Goodman



### LEGALIZATION OF MARIJUANA

Mr. Bob Garrett appeared before Council to discuss legalizing marijuana within the scope of the law. Mr. DeLaRosa informed him this is controlled by the state and told him he would explain the law to him if he wished.

### FARMERS MARKET

Councilmember Cooke moved that the Council approve and vote to bring back on another agenda the request of Mr. Joseph A. Yacona, Director of Travis County Department of Human Services, to extend the Travis County lease for land located at the southwest corner of Pleasant Valley Road and Lakeshore Boulevard to continue operation of the Farmer's Market. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Goodman

### CAPITAL 10,000 FOOTRACE

Mr. Glenn Massey, Promotion Manager, Austin American-Statesman, appeared before Council to inform them about the March 25th Capital 10,000 footrace. He asked their cooperation and participation.

### BALCONES HILLS NEIGHBORHOOD MASTER PLAN

Mr. William J. Martin, President, Balcones Civic Association, appeared before Council to present each of them with a copy of the Balcones Hills Neighborhood Master Plan. He outlined the immediate concerns of the association as follows:

- ACQUIRE THE SITE FOR AND DEVELOP A NEIGHBORHOOD PARK THAT WILL HELP MEET THE RECREATIONAL NEEDS OF THE BALCONES HILLS AREA RESIDENTS AT THE EARLIEST POSSIBLE DATE.
- COMPLETE IMPROVEMENTS TO AND WIDENING OF SPICEWOOD SPRINGS ROAD FROM BALCONES DRIVE TO MESA AND FROM MESA DRIVE TO LOOP 360.
- THE LAKE AUSTIN GROWTH MANAGEMENT PLAN AND RELATED ORDINANCE SHOULD BE USED AS A GUIDE IN EVALUATING ALL NEW DEVELOPMENTS PROPOSED TO BE BUILT WITHIN THE BALCONES HILLS NEIGHBORHOOD.

- THE MAXIMUM DENSITY DESIRED FOR ANY PROPOSED NEW MULTI-FAMILY HOUSING PROJECTS WITHIN THE NEIGHBORHOOD SHOULD NOT EXCEED 12 DWELLING UNITS PER ACRE.
- DISCOURAGE THE CONSTRUCTION OF ANY PERMANENT COMMERCIAL SIGNS OR BILLBOARDS WITHIN 200 FEET FROM THE BOUNDARIES OF OR WITHIN THE BALCONES HILLS NEIGHBORHOOD, AND REQUIRE THAT A SPECIAL PERMIT BE REQUIRED PRIOR TO THE ERECTION OF ANY SUCH SIGN WITH AMPLE ADVANCE NOTICE TO NEIGHBORHOOD RESIDENTS OF THE PLANS FOR SAME.
- ACTIVE ENFORCEMENT OF STATE LAWS AND LOCAL ORDINANCES CONTROLLING NOISE OF ALL FORMS OF MOTOR VEHICLES.

Mayor McClellan told Mr. Martin the presentation form for their plan is outstanding and she hoped Council can move quickly on their requests.

Councilmembers Himmelblau, Mullen, Trevino, Cooke and Mayor Pro Tem Goodman added their comments concerning the excellence of the presentation.

#### ZONING CASE POSTPONED

Councilmember Trevino moved that the Council approve the request of Mr. Peter M. Kreisner, attorney, to postpone Zoning Case No. C14-78-205, which was scheduled for public hearing on January 25, 1979. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmember Cooke,  
Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell  
Noes: None

#### COMPLIMENTS TO THE COUNCIL

Mr. Royal Masset appeared before Council to discuss the financial shape of the City of Austin. He spoke in his capacity of executive director of the Austin Citizens League as follows: "It is in the nature of our political process that the 99% of the time we agree with this Council we are not down here telling you that. We are usually here with that 1% of the time we are concerned you might not do the right thing. But in the past few weeks, fairly serious criticism has been labeled at this administration and I would like to re-dress that percentage a little bit. My topic was on the financial state of the city. That was discussed at length earlier so I'm going to make my comments a little more general. First, in regard to our City Manager and administration, I just want to bring up three points. First of all, the heaviest criticism of this administration which has been used against this bond election is being made by individuals whose main complaint with the city is simply that they have not received rebates for water mains they have constructed in subdivisions outside of the city. It would have been politically very easy for this administration to have worked some kind of a deal with

them but instead, this administration has chosen to defend the money of us taxpayers and for that I am grateful. Second, much is being made of the fact that the bond money might be spent for unauthorized purposes. I just want to remind this Council that I was at a meeting, and I know it was ironic, Woodrow Sledge was at that meeting also and of course, Councilmember Himmelblau was, at a C.I.P. meeting on August 26, 1976, where the three of us raised the point at that time that the shifting of funds would set a dangerous precedent. The Council, at that time, decided to shift funds of previously authorized bond money. I don't say whether that action is good or bad but I just bring it up to say that was affirmative Council policy. That was not a unilateral decision of the City Manager or this administration.

"A third point I want to make is that in the last two years this administration, following the dictates of this Council, has managed to cut our property taxes from \$1.27 per \$100.00 valuation to 96¢. That is an absolutely unbelievable cut and is unprecedented among any city in Texas. Of the five largest cities in Texas we now have the lowest tax rate. Believe it or not, in a packet that illustrated these figures, I really think we've been misled. The reason is, in figuring out the effective tax rate, even though you showed we were the lowest tax rate, your figures failed to show these other large cities have separate hospital districts which have their own independent taxing authority. We don't have an independent taxing authority, and when you take that into account, our effective tax rate is even lower. So, again, we're faced with a situation where we have an incredibly low tax rate and we probably have one of the best delivery of services of any city in Texas. I'm not sure what constitutes good city management but if this city is being governed by principles of bad management then I can only hope that all levels of governing bodies will implement similar principles of bad management as soon as possible.

"As for the City Council. You suffer the problem that you are politicians and the mythology of politicians will go with you in everything that you do. Many people believe that you reap great monetary regards by being on this Council. In fact, I know that all of you would do much better financially elsewhere. Many people think there is great glory for being on this Council. Maybe for a few weeks there is, but after a while I think all you face is unremitting criticism. I have found that as a group of people our elected officials are far and away the most honest. Yet if in thousands of hours of tapes of your public discussions you can find one contradiction people can then bring documented charges that you are either a crook, liar or incompetent. If you try to defend yourselves or point to your accomplishments you are branded as conceited and self-serving. If you express deep sensitivity about our city, or great concern about some project you are labeled as over-emotional and unstable. There are times when you probably feel that you never do anything right and even if you did, no one would appreciate it anyway. To the degree that the Austin Citizen's League is guilty of adding to your burden, I apologize. But I want you to understand something. The members of the ACL passionately believe in our city and its destiny. In an age when mediocrity had become the acceptable standard of all things we believe in excellence. We believe that it is the destiny of Austin to become one of the great cities of the world. Austin has a vitality, an optimism and a love of life that exists nowhere else. Our citizens enjoy a rich blend of divergent life styles existing

in harmony. Thanks to the University we can be second to none in the areas of intellectual vitality, athletics and culture....especially music. Our lakes are becoming an internationally recognized resort area. We have it in our grasp to become the world center of the micro-electronics industry. But this future will never be without foresight, good laws, and dedicated leaders. Perhaps we of the ACL are an acronymism but as long as we are around we will continue to set our standards high. We will not accept anything less from our leaders than your very best. We may be demanding at times, but please never doubt our loyalty to the city we love and their deep appreciation for you courageous few who have assumed the awesome responsibilities of our age. Perfection in city government is something that never was, nor never will be. As long as we are governed by human beings, imperfections will be with us always. This City Council and this city administration are imperfect, but on balance you have performed magnificently. You have given Austin your very best and I extend to you my deepest personal thanks, appreciation and gratitude."

Mayor McClellan said, "Your words are refreshing and encouraging and are sincerely appreciated by everybody." Councilmember Mullen commented, "I appreciate the guts you had to turn in your resignation when you felt like something was wrong with the other organizations you were involved in." Mayor Pro Tem Goodman echoed Councilmember Mullen's remark and added, "I have always appreciated your own dedication and every one of us uniformly appreciates your comments before us this morning."

#### CORRIDOR ANNEXATION

An Item From Council introduced by Councilmember Himmelblau, concerning consideration of proceedings with corridor annexation of Loop 360, was postponed until January 31, 1979.

#### RECESS FOR EXECUTIVE SESSION

Mayor McClellan announced that Council would convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes Annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary. Recess for the Executive Session began at 11:30 A.M.

#### NEWS CONFERENCE

The Council held a news conference in the Council Chamber at 12 noon, when they had finished the Executive Session and were still in recess.

#### COUNCIL MEETING RESUMED

Council resumed its recessed meeting at 12:15 P.M.

# BOARD & COMMISSION APPOINTMENTS

Mayor Pro Tem Goodman nominated Calvin Faught, and George Smith to terms expiring 1-1-81 on the Heating, Air-Conditioning and Refrigeration Board; Councilmember Mullen nominated John A. King, Mark Perlmutter and Bill Brophy to terms expiring 1-1-81 on the Board of Adjustment; Councilmember Snell nominated John Greer to a term expiring 9-30-79 on the Manpower Board; Councilmember Himmelblau nominated Charles Shephard, Linda Quick and Michael Churgin to terms expiring 2-1-80 on the MH/MR Public Responsibility Board; and Councilmember Cooke nominated Nell Dickey, George Gustafson, Clyde Lee and Robert Labry to terms expiring 1-1-81 on the Citizen's Traffic Safety Commission.

## Motion

Councilmember Trevino moved that the Council accept the above nominations. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino  
Noes: None

Mayor McClellan announced the following Board and Commission appointments will be made February 1, 1979:

MH/MR, 1  
Wrecker Standards Commission, 4 interested citizens  
Medical Assistance Advisory Council, 3 consumers  
Construction Advisory Committee, 4  
Human Relations Commission, 7  
Dental Health Advisory Council, 2 CDC representatives  
On-Going of Goals Committee, 6  
Elisabet Ney Museum, 7  
Library Commission, 7  
Urban Transportation Commission, 5  
Energy Conservation Commission, 1

## ZONING HEARING SET

The City Clerk reported the following zoning case has been set for public hearing before the City Council on February 8, 1979, at 10:00 A.M.

### RECOMMENDED, AS REQUESTED WITH CONDITIONS:

TRUMAN H. MONTANDON  
By Robert L. Davis  
C14-78-199

11201 U.S. 183

From Interim "A" Residence  
1st Height and Area  
To "GR" General Retail, and  
"BB" Residence  
1st Height and Area

ADJOURNMENT

Council adjourned its meeting at 12:20 P.M.

APPROVED

Carole Keeton McClanahan  
Mayor

ATTEST:

Grace Monroe  
City Clerk